

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

ELIZABETH M. STARKEY,

Plaintiff,

-VS-

FIRSTSOURCE ADVANTAGE, LLC a/k/a  
ACCOUNT SOLUTIONS GROUP, LLC d/b/a ASG,

Defendant.

---

Examination Before Trial of  
ELIZABETH M. GEARHART, Plaintiff, taken pursuant to the  
Federal Rules of Civil Procedure, in the law offices of  
KENNETH HILLER, 6000 North Bailey Avenue, Suite 1A, Amherst,  
New York, taken on January 27, 2009, commencing at 10:00  
A.M., before CARLA M. GLINSKI, Notary Public.

Sue Ann Simonin Court Reporting

421 Franklin Street  
Buffalo, New York 14202



(716) 882-8059  
Fax (716) 882-8099  
sascr.com

Page 2

## INDEX TO WITNESSES

1		
2		
3		
4	Witness: ELIZABETH M. GEARHART	Page
5	Examination By:	
6	Mr. Botticelli	5
7	Mr. Borgese	33
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		

Sue Ann Simonin Court Reporting

Page 4

## APPEARANCES:

LAW OFFICES OF KENNETH HILLER,  
By FRANK J. BORGESE, ESQ.,  
6000 North Bailey Avenue,  
Suite 1A,  
Amherst, New York 14226,  
Appearing for the Plaintiff.

COLUCCI & GALLAHER, P.C.,  
By JASON A. BOTTICELLI, ESQ.,  
2000 Liberty Building,  
Buffalo, New York 14202,  
Appearing for the Defendant.

(The following stipulations were entered  
into by both parties.)

It is hereby stipulated by and between counsel  
for the respective parties that the oath of the  
Referee is waived, that signing, filing and  
certification of the transcript are waived, and  
that all objections, except as to the form of the  
questions, are reserved until the time of trial.

ELIZABETH M. GEARHART,  
5408 Maelou Drive, Hamburg, New York 14075,  
after being duly called and sworn,  
testified as follows:

Page 3

## INDEX TO EXHIBITS

1		
2		
3		
4	Gearhart Exhibits	For Identification
5	1 Collection Services Agreement	25
6	2 four Pages of File Notes dated March 19, 2008	25
7		
8	3 nineteen Pages of Verizon Wireless Records	29
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		

Sue Ann Simonin Court Reporting

Page 5

## 1 EXAMINATION BY MR. BOTTICELLI:

2  
3 Q. Good morning, Miss Gearhart.  
4 A. Good morning.  
5 Q. We met. My name is Jason Botticelli. I'm going  
6 to be asking you some questions today regarding  
7 your action you commenced. If at any time you  
8 don't understand my question, let me know and  
9 I'll do my best to rephrase it for you, okay?  
10 A. Okay.  
11 Q. And any time if you need to take a break or  
12 anything, just let me know and we can accommodate  
13 you for that too, okay?  
14 A. Okay.  
15 Q. Can I have your date of birth, please?  
16 A. [REDACTED]  
17 Q. And your Social Security number?  
18 A. [REDACTED]  
19 Q. And a lot of my questions are going to be dealing  
20 with the time frame we're concerned with here  
21 with the collection case. What is it -- when is  
22 it that you're claiming that the calls from  
23 Firstsource started?

Page 6

1 A. Late 2006.  
 2 Q. Any way to be a little more specific? A month?  
 3 A. I don't specifically recall. Maybe September,  
 4 October.  
 5 Q. And up until when did the calls continue through?  
 6 A. May, June 2007.  
 7 Q. All right. With that time frame in mind, that's  
 8 -- most of my questions are going to be dealing  
 9 with September 2006 through then May, June 2007,  
 10 okay?  
 11 A. Okay.  
 12 Q. The residence that you just gave at the beginning  
 13 of your deposition, was that your residence back  
 14 in fall of 2006?  
 15 A. Yes.  
 16 Q. Are you employed?  
 17 A. Yes.  
 18 Q. Okay. And who with?  
 19 A. Millennium Funding.  
 20 Q. And what do you do for them?  
 21 A. I'm an account executive.  
 22 Q. Was that your same employment back in the fall of  
 23 2006?

Page 7

1 A. No.  
 2 Q. Okay. What did you do back then?  
 3 A. I was a marketing assistant for the Erie County  
 4 Agricultural Society.  
 5 Q. Did you have any jobs in between the 2006  
 6 employment and your current employment?  
 7 A. No.  
 8 Q. When did you switch jobs?  
 9 A. February 2007.  
 10 Q. Can I just get your basic education; high school.  
 11 A. I went to Immaculata Academy.  
 12 Q. And when did you graduate from there?  
 13 A. 2001.  
 14 Q. And any college?  
 15 A. Yes.  
 16 Q. Okay. Where did you attend college?  
 17 A. Saint Bonaventure University.  
 18 Q. All right. Graduation?  
 19 A. 2005.  
 20 Q. What degree did you graduate with?  
 21 A. A bachelor of arts.  
 22 Q. Are you currently residing with anyone?  
 23 A. Yes.

Page 8

1 Q. And who is that?  
 2 A. My husband and our son.  
 3 Q. And how old is your son?  
 4 A. Two and a half.  
 5 Q. And how about back in October of 2006, were you  
 6 residing with anyone back then?  
 7 A. Yes; my husband.  
 8 Q. Okay.  
 9 A. And my son.  
 10 Q. So same living arrangements back then?  
 11 A. Yes.  
 12 Q. Okay. Back in September of 2006, did you have a  
 13 landline at your home?  
 14 A. Yes.  
 15 Q. Okay. What was that number?  
 16 A. (716) 649-5241.  
 17 Q. And do you still have that same landline?  
 18 A. Yes.  
 19 Q. And back in September of 2006, did you have a  
 20 cell phone?  
 21 A. Yes.  
 22 Q. Okay. And what was that number?  
 23 A. (716) 984-3012.

Page 9

1 Q. And do you still have that same cell phone?  
 2 A. Yes.  
 3 Q. Back in the fall of 2006, did you have a direct  
 4 dial at work?  
 5 A. Yes.  
 6 Q. And then when you changed jobs then in February  
 7 of 2007, did you have a direct dial at work?  
 8 A. Yes.  
 9 Q. Now, from the fall of 2006 through June of 2007,  
 10 who else other than yourself had access to your  
 11 cell phone, if anyone?  
 12 A. Nobody really.  
 13 Q. Did anyone else use your cell phone in that time  
 14 frame?  
 15 A. My husband might have used it here and there.  
 16 More like on an occasion. Yes.  
 17 Q. And kind of sticking with that same time frame,  
 18 fall of 2006 through summer of 2007, was your  
 19 cell phone your primary or secondary source for  
 20 communication?  
 21 A. Secondary.  
 22 Q. Did your husband have his own cell phone?  
 23 A. Yes.

Page 10

1 Q. Okay. Did you normally have your cell phone on?  
 2 Did you keep it on ring, vibrate?  
 3 A. I usually had it on vibrate.  
 4 Q. Is that including at work?  
 5 A. Yes.  
 6 Q. At both jobs?  
 7 A. Yes.  
 8 Q. Did the -- is the cell phone, the actual phone  
 9 itself, the same -- do you still have the same  
 10 phone now that --  
 11 A. No.  
 12 Q. So you've since then switched phones?  
 13 A. Yes.  
 14 Q. The phone that you had in the fall of 2006  
 15 through 2007, was that the same phone in that  
 16 time frame?  
 17 A. Yes.  
 18 Q. Did that phone have any screen on it as to see --  
 19 you know, would it say any incoming numbers or  
 20 anything like that?  
 21 A. Yes.  
 22 Q. So was it like a flip phone or was it just a --  
 23 A. A flip phone.

Page 11

1 Q. And you could see on the front screen before you  
 2 flipped it open --  
 3 A. Yes.  
 4 Q. -- who was calling?  
 5 A. Um-hum.  
 6 Q. Would it give a name of somebody calling or just  
 7 a number?  
 8 A. Just the number. Unless they were in my personal  
 9 contact list.  
 10 Q. Generally do you have your cell phone on you at  
 11 all times in the day, evening or -- I mean, what  
 12 was your normal use of the cell phone?  
 13 A. I usually have it on me at all times.  
 14 Q. And at work would you keep it like on your person  
 15 or in your purse or like on a desk?  
 16 A. Yes; it was usually in my purse.  
 17 Q. And then, you know, at home, same thing, would  
 18 you keep it on your person, on a desk or in your  
 19 purse?  
 20 A. Yes.  
 21 Q. Which one would it be?  
 22 A. It was usually on the counter at home.  
 23 Q. Any restrictions at work -- I guess we'll start

Page 12

1 with the first job. In the fall of 2006 before  
 2 you switched, any restrictions using your cell  
 3 phone at work?  
 4 A. No.  
 5 Q. So you could use it at work?  
 6 A. Yes.  
 7 Q. Okay. And what about at -- when you switched  
 8 jobs in February of 2007, any restrictions?  
 9 A. Same.  
 10 Q. Same? Okay. Where you kept it at home, like  
 11 would you keep it in a spot where you would plug  
 12 it in or charge it?  
 13 A. It would depend. I usually would have it  
 14 somewhere near me where I could hear it if it  
 15 rang.  
 16 Q. So is it something like you'd charge it every  
 17 evening or just kind of on an as-needed basis?  
 18 MR. BORGESE: Objection just as to form.  
 19 THE WITNESS: Usually when I would go to bed, I would  
 20 put it on the charger.  
 21 BY MR. BOTTICELLI:  
 22 Q. Now, dealing with the calls from Firstsource, do  
 23 you have any estimate or number as to how many

Page 13

1 total calls you received?  
 2 A. Approximately forty.  
 3 Q. And of those forty calls, were they messages or  
 4 did you speak to live, you know, persons or a  
 5 mixture of both?  
 6 MR. BORGESE: Objection to form. Go ahead.  
 7 THE WITNESS: Both.  
 8 BY MR. BOTTICELLI:  
 9 Q. Is there any way to break down like of the forty  
 10 calls you received how many were automated  
 11 messages as opposed to actual conversations with  
 12 individuals?  
 13 A. I would say less than five were actual  
 14 conversations.  
 15 Q. So approximately thirty-five were messages?  
 16 A. Yes.  
 17 Q. And dealing with the messages that were left, as  
 18 you sit here today, do you recall any of the sum  
 19 and substances of those messages?  
 20 A. Yes. They mispronounced my name and it was a  
 21 British accent. And they said we have an  
 22 important call for Elizbit E. Starkey, and then  
 23 they would state the phone number.

Page 14

1 Q. I'm sorry. At the end there did you say they  
 2 would state the phone number?  
 3 A. Yes.  
 4 Q. Like a call-back number?  
 5 A. Yes.  
 6 Q. And was that -- of the messages you received,  
 7 were they all the same? Was it the same message,  
 8 British accent with your name and then to call  
 9 back?  
 10 A. Yes.  
 11 Q. Did they have -- with mispronouncing your name,  
 12 was it just your first name they would  
 13 mispronounce?  
 14 A. Yes. And they would state my middle initial as  
 15 E.  
 16 Q. Okay. Is it not?  
 17 A. It's M.  
 18 Q. Okay. For the approximate thirty-five messages  
 19 you received, were they generally at one  
 20 particular time or at various times?  
 21 A. They were sporadic.  
 22 Q. Do you recall -- well, I guess -- strike that.  
 23 Generally speaking, the messages, when they were

Page 15

1 left, do you know, would you be picking up and  
 2 listening to your voice mail shortly after the  
 3 call came in?  
 4 A. Yes.  
 5 Q. And with the automated messages, for the majority  
 6 of them would you actually answer the phone and  
 7 get this automated message or would it be  
 8 something that you would go into your voice mail  
 9 and check?  
 10 MR. BORGESE: Objection just as to form. Go ahead.  
 11 THE WITNESS: It would be in my voice mail.  
 12 BY MR. BOTTICELLI:  
 13 Q. Were the majority of the messages left calls made  
 14 during a time that you were at work?  
 15 A. I don't recall.  
 16 Q. And generally speaking, with the normal way of  
 17 using your cell phone, do you normally answer  
 18 when it rings or do you let it go to voice mail?  
 19 A. I usually answer if it's someone I know.  
 20 Q. So if it's a number coming in that you don't  
 21 recognize, you let it go to voice mail generally?  
 22 A. Correct.  
 23 Q. So is it fair to say the Firstsource calls coming

Page 16

1 in you generally let go to voice mail?  
 2 A. Yes.  
 3 Q. And then shortly thereafter you'd listen to the  
 4 voice mail message?  
 5 A. Yes.  
 6 Q. Now, on the less -- you said about less than five  
 7 times you spoke to a live person. Did you  
 8 initiate those calls in response to the automated  
 9 message or was it a live person actually called  
 10 in and you spoke to them?  
 11 A. One time it was a live person that called. And  
 12 the rest of the times I initiated the call.  
 13 Q. Okay. For that one time that a live person  
 14 initiated the call, was that the first time you  
 15 spoke to a live person or a few in?  
 16 A. I don't recall.  
 17 Q. Do you recall the sum and substance of any of the  
 18 conversations you had with, you know, live people  
 19 at Firstsource?  
 20 A. Yes.  
 21 Q. Okay. And I guess we'll start with the first one  
 22 you recall. Let's start that way.  
 23 A. I called them to try to set up a payment plan and

Page 17

1 it didn't work out, so I requested that they do  
 2 not call me back and I would call them when I was  
 3 able to pay the debt.  
 4 Q. Do you recall when that was that you made that  
 5 call?  
 6 A. It was about -- after I'd received about ten  
 7 phone calls from them.  
 8 Q. And those were the automated calls, right?  
 9 A. Yes.  
 10 Q. Okay. So would it be fair to say that you  
 11 initiated the first person-to-person contact with  
 12 Firstsource?  
 13 A. Yes.  
 14 Q. Okay. All right. And then you said during that  
 15 conversation you were trying to set up a payment  
 16 plan, right?  
 17 A. Yes.  
 18 Q. Okay. And when you say it didn't work out, was  
 19 it actually during that first conversation where  
 20 you couldn't work it out with them or did  
 21 something happen later where then you couldn't  
 22 abide by the payment plan?  
 23 MR. BORGESE: Objection as to form.

Page 18

1 THE WITNESS: During the first conversation.  
2 BY MR. BOTTICELLI:  
3 Q. All right. Can you give me more specifics as to,  
4 you know, why it didn't work out?  
5 A. I don't remember exactly. I believe they were  
6 requesting more than I could afford at the time.  
7 Q. Okay. And so then nothing was set up as of that  
8 time, correct?  
9 A. Correct.  
10 Q. And then the second time you actually spoke to a  
11 person, when approximately was that?  
12 A. I don't exactly recall the date.  
13 Q. Did they -- after that first live telephone  
14 conference with somebody at Firstsource, did the  
15 calls keep coming in?  
16 A. Yes.  
17 Q. Okay. And they were automated calls?  
18 A. Yes.  
19 Q. Okay. And for the second time you spoke to  
20 somebody at Firstsource, do you remember if that  
21 was a call you initiated or was it them calling  
22 you?  
23 A. I believe it was them calling me.

Page 19

1 Q. Okay. And do you recall the sum and substance of  
2 that conversation?  
3 A. I just took a message.  
4 Q. Okay. So it was on your voice mail, right?  
5 A. No, I spoke with them.  
6 Q. Oh, okay. And what did they say?  
7 A. I just said that I was not available. They left  
8 a phone number for me to return my call. They  
9 did not state who it was.  
10 Q. Oh, okay. So you told them that you were not  
11 available and they just said please have Miss  
12 Starkey call us at this number, is that --  
13 A. Correct.  
14 Q. Did the automated calls continue after that  
15 second conversation with the person at  
16 Firstsource?  
17 A. Yes.  
18 Q. Okay. How did you know it was Firstsource if  
19 they didn't state who they were?  
20 A. When they called -- when I spoke with them?  
21 Q. Correct.  
22 A. Just the phone number was the same.  
23 Q. Okay.

Page 20

1 A. As on the messages.  
2 Q. Okay. And I'm sorry if I asked you this. Do you  
3 have any time frame as to when that second  
4 conversation was with the live individual?  
5 A. I don't.  
6 Q. And then to your recollection, was there any  
7 other calls with a live individual at Firstsource  
8 after that second time?  
9 A. Yes.  
10 Q. And any idea as to when that occurred?  
11 A. That was the phone call that I placed with them  
12 in May and I set up a payment plan.  
13 Q. Okay. Any estimate as to how many calls you  
14 received in between that second live conversation  
15 and the third one?  
16 A. Probably about fifteen to twenty.  
17 Q. And then you initiated the third call?  
18 A. Correct.  
19 Q. Okay. Do you recall the sum and substance of  
20 that conversation?  
21 A. Yes. I called in and stated that I was ready to  
22 make a payment, and we set up a three-part  
23 payment plan. And I made those payments and paid

Page 21

1 the debt in full.  
2 Q. How much was the debt?  
3 A. One hundred eighty-six dollars.  
4 Q. And you said it was a three-part payment plan.  
5 Would you send them individual checks, or how did  
6 the payment plan actually work?  
7 A. They postdated three checks, and I believe it was  
8 every two weeks approximately.  
9 Q. Okay. Every two weeks?  
10 A. Yes.  
11 Q. Did you have any calls with live individuals  
12 after that third call then where you set up the  
13 payment plan?  
14 A. I don't recall.  
15 Q. And how about after that third call where you set  
16 up the payment plan, did you receive any further  
17 automated messages?  
18 A. I don't recall.  
19 Q. Is it possible that the last contact you may have  
20 had with Firstsource then was when you set up the  
21 payment plan in May?  
22 A. It is possible that's the last time I spoke with  
23 someone, but I did receive mail correspondence in

Page 22

1 the meantime.  
 2 Q. Okay. And what was the mail correspondence that  
 3 was, that was still coming in?  
 4 A. Just confirming the payments we had set up.  
 5 Q. Oh, okay. Would they send you correspondence  
 6 after they cashed each check?  
 7 A. I believe it was before each check went through  
 8 just stating the dates that we had gone over on  
 9 the phone.  
 10 Q. Now, you had mentioned, I think it was during  
 11 your first live call with the Firstsource rep  
 12 that you had asked them not to call you anymore.  
 13 Correct?  
 14 A. Yes.  
 15 Q. At any time did you ever send a written request  
 16 that they stop calling?  
 17 A. No.  
 18 Q. Now, was this cable bill for the 5408 -- is it  
 19 Maelou?  
 20 A. Um-hum.  
 21 Q. Address?  
 22 A. No.  
 23 Q. Okay. It was for a different address?

Page 23

1 A. Yes.  
 2 Q. What was that?  
 3 A. Main Street in Hamburg.  
 4 Q. What was the address?  
 5 A. I don't recall.  
 6 Q. Was that an apartment?  
 7 A. Yes.  
 8 Q. Okay. Was the Maelou address a home?  
 9 A. Yes.  
 10 Q. Was the Hamburg address an upper, lower or --  
 11 A. Upper.  
 12 Q. So in the fall of 2006, you were living in Maelou  
 13 though, correct?  
 14 A. Yes.  
 15 Q. So this was regarding a past balance on an old  
 16 residence?  
 17 A. Correct.  
 18 Q. When did you move?  
 19 A. The end of March, 2006.  
 20 Q. Okay. And at that time when you moved, did you  
 21 switch over services from the Hamburg -- or from  
 22 the Main Street address to the Maelou Drive  
 23 address?

Page 24

1 A. I don't recall.  
 2 Q. But you had cable at Maelou Drive, right?  
 3 A. Yes. For less than a month.  
 4 Q. Okay. And you switched to something else after  
 5 that?  
 6 A. Yes.  
 7 Q. What did you switch to?  
 8 A. DirectTV.  
 9 Q. Have you stayed with DirectTV all along since that  
 10 time?  
 11 A. Yes.  
 12 Q. So you had cable with Time Warner like to April  
 13 2006?  
 14 A. Correct.  
 15 Q. How long did you live at the Main Street address?  
 16 A. Approximately five months.  
 17 Q. Do you recall when you set up for your cable  
 18 services at the Hamburg address what number you  
 19 gave them as a contact number?  
 20 A. That would be the (716) 984-3012.  
 21 Q. Your cell phone number?  
 22 A. Yes.  
 23 Q. All right. Did you also use your cell phone

Page 25

1 number for -- as your contact number for  
 2 utilities?  
 3 A. Yes.  
 4 Q. Did you use it primarily as your contact number?  
 5 A. Yes.  
 6 Q. Now, other than your recollection which we've  
 7 been going over, do you have any other proof  
 8 regarding the calls coming in from Firstsource?  
 9 A. No.  
 10 MR. BOTTICELLI: Can I mark these, please.  
 11  
 12 (Whereupon, a Collection Services Agreement  
 13 was then received and marked as Gearhart Exhibit  
 14 1; and four Pages of File Notes dated March 19,  
 15 2008 were then received and marked as Gearhart  
 16 Exhibit 2, for identification.)  
 17  
 18 BY MR. BOTTICELLI:  
 19 Q. I'm going to show you what's been marked as  
 20 Gearhart Exhibit 1. And you can take a quick  
 21 look at it, and I'll state to you that it's the  
 22 contract between Time Warner and Firstsource,  
 23 okay? Just take a look at that.

## Starkey vs. Firstsource

CondenseIt!™

Page 26

1 A. Okay.

2 MR. BORGESE: Can I ask, is this the same contract

3 that ASG would have used? Is this something

4 that's more recent? I know you're probably going

5 to get into it at some point. Is this -- I'm

6 just curious if -- would I be able to make copies

7 of these exhibits?

8 MR. BOTTICELLI: Oh, absolutely.

9 MR. BORGESE: Do you mind if I just steal them?

10 MR. BOTTICELLI: Sure. Go ahead.

11 MR. BORGESE: I'll be right back. Thanks.

12 (Whereupon, a short recess was then taken.)

13 BY MR. BOTTICELLI:

14 Q. I just want to draw your attention to Gearhart

15 Exhibit 1, the first paragraph, showing that the

16 contract between Firstsource and Time Warner was

17 entered into on the 10th day of November, 2006.

18 A. Okay.

19 Q. Okay? And just, you know, with looking at this

20 document and using that as a point of reference,

21 does seeing that in any way change your belief

22 that Firstsource would have made their first call

23 to you regarding the cable bill prior to November

Page 27

1 of 2006?

2 MR. BORGESE: I just want to object and just ask a

3 question actually, if I could. We object on the

4 basis that, you know, we wouldn't have seen this

5 before. She wouldn't know if this is a document

6 in the normal course of business or if there was

7 another agreement maybe between ASG and Adelphia,

8 Time Warner's predecessor. But, obviously, to

9 the extent that you're just trying to -- I don't

10 want to interfere with your questioning, but to

11 the extent that she hasn't seen this before and

12 can't know for certain whether this is a -- this

13 document is valid, based on what she sees, I

14 think she can respond to that extent. But -- and

15 the other objection is just on the basis of

16 speculation as well, so --

17 THE WITNESS: Yes, it, it could change the dates.

18 You know, September, October was kind of an

19 approximation based on what I remembered.

20 BY MR. BOTTICELLI:

21 Q. Okay. And I want to show you what the

22 Firstsource -- the printout from Firstsource -- I

23 guess for lack of a better word I'll call it the

Page 28

1 Firstsource data sheet which has been marked as

2 Gearhart Exhibit 2, and just take a quick look at

3 that if you would.

4 MR. BORGESE: And just while we're -- while she's

5 looking at that, just place on the record an

6 objection to use of this just in that it assumes

7 that this log is a hundred-percent accurate.

8 BY MR. BOTTICELLI:

9 Q. And having shown you Gearhart Exhibit 2, I draw

10 your attention to the middle of the page under

11 notes where it shows -- it looks like the

12 beginning of your account was opened up January

13 8th, 2007. Do you see that right there?

14 A. Yes.

15 Q. Okay. And having represented to you this is the

16 printout from Firstsource in their records and it

17 shows their account was opened up with regards to

18 you January 8th, 2007, is it possible that

19 Firstsource -- strike that. Is it possible that

20 your first contact with Firstsource was after

21 January 8th, 2007?

22 MR. BORGESE: Objection, speculation. Go ahead if

23 you can.

Page 29

1 THE WITNESS: It is possible.

2 BY MR. BOTTICELLI:

3 Q. Do you have any evidence other than your

4 recollection that Firstsource called prior to

5 January 8th, 2007?

6 A. No.

7 MR. BOTTICELLI: I don't know if you have a separate

8 printout of these, or I can mark them. It's

9 attached to the --

10 MR. BORGESE: Yes. I think I have them right here

11 actually. Do you need me to make copies?

12 MR. BOTTICELLI: Yes. That would be great. I

13 appreciate it. Let's mark them first.

14

15 (Whereupon, nineteen Pages of Verizon

16 Wireless Records were then received and marked as

17 Gearhart Exhibit 3, for identification.)

18

19 BY MR. BOTTICELLI:

20 Q. I'm going to show you what's marked as Gearhart

21 Exhibit 3 and just ask if you can identify what

22 that is.

23 A. Okay. This is my phone bill for my cell phone.



Page 30

Page 32

1 Q. Okay. And this is for the cell phone that the  
2 calls would have come in from Firstsource to?  
3 A. Correct.  
4 Q. Okay. Is there any way looking at Exhibit 3 that  
5 you're able to identify the calls coming in from  
6 Firstsource?  
7 A. I don't remember the phone number that it would  
8 have come up under.  
9 Q. So looking at Exhibit 3 today, you wouldn't be  
10 able to point out which exact calls coming in, on  
11 the phone bill anyways, are the calls from  
12 Firstsource?  
13 A. Correct.  
14 Q. Do you have any other documentation in your  
15 possession which would show when the calls came  
16 in from Firstsource?  
17 A. I do not.  
18 Q. Did you keep any type of diary or notes or like a  
19 calendar or anything like that marking when the  
20 calls would have come in from Firstsource?  
21 A. No.  
22 Q. In the fall of 2006 until approximately May of  
23 2007, were you being contacted on your cell phone

1 A. They were live.  
2 Q. All of them?  
3 A. I don't recall.  
4 Q. Would you normally take those calls or would you  
5 let them go to voice mail?  
6 A. Voice mail.  
7 Q. From fall of 2006 to summer of 2007, were there  
8 any other bills you were behind on other than  
9 National Fuel and the Time Warner?  
10 A. Not that I recall.  
11 Q. Do you recall when you received the first call  
12 from Solomon and Solomon?  
13 A. I don't recall the exact date.  
14 Q. Do you recall when you last had a call from them?  
15 A. No, I don't.  
16 Q. But it was somewhere in that fall '06 to summer  
17 '07 frame?  
18 A. Correct.  
19 MR. BOTTICELLI: That's all I have.  
20 MR. BORGESE: Okay. If I could just have like twenty  
21 seconds to see if I'm going to have any  
22 questions.  
23 MR. BOTTICELLI: Sure.

Page 31

Page 33

1 by any other collection agencies?  
2 A. Yes.  
3 Q. Okay. And do you recall who they were?  
4 A. Solomon and Solomon.  
5 Q. And do you know what that was for?  
6 A. National Fuel.  
7 Q. And other than Solomon and Solomon, any other  
8 collectors?  
9 A. Not in the fall.  
10 Q. Okay. What about then in the -- after the new  
11 year?  
12 A. No.  
13 Q. Okay. Anything then from January to May of '07?  
14 A. No.  
15 Q. So other than Firstsource, it was just Solomon  
16 and Solomon during fall of '06 to summer of '07?  
17 A. Correct.  
18 Q. Any estimate as to how many times you received  
19 calls from Solomon and Solomon in that time  
20 frame?  
21 A. I really don't recall.  
22 Q. Were those calls automated or live or a mixture  
23 of both?

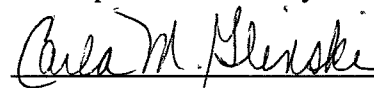
1 EXAMINATION BY MR. BORGESE:  
2  
3 Q. Okay. I think I just have like three questions.  
4 You stated before that, obviously, you entered  
5 into an agreement with Adelphia or Time Warner,  
6 is that correct?  
7 A. Correct.  
8 Q. And do you recall whether you filled out a  
9 written application with Time Warner for their  
10 services?  
11 A. Not that I recall.  
12 Q. Do you recall whether it would have been over the  
13 telephone?  
14 A. I believe it was over the phone.  
15 Q. Okay. Did you ever enter into a written  
16 agreement with Time Warner?  
17 A. Not that I can recall.  
18 Q. Okay. Do you recall when approximately that  
19 telephone conversation would have taken place?  
20 A. August 2005.  
21 Q. And how can you be sure it would have been in  
22 that month?  
23 A. That was the month that we moved into our

1 apartment and we would have used their services.  
 2 Q. Okay. And do you recall specifically what that  
 3 conversation entailed?  
 4 A. Besides calling them to come out and set up  
 5 cable, no.  
 6 Q. Okay. Do you recall during that conversation  
 7 specifically providing them any telephone number  
 8 to reach?  
 9 A. No.  
 10 Q. Okay. You stated earlier, if I'm not mistaken,  
 11 that you used your cell phone oftentimes to let  
 12 utility places and things of that nature contact  
 13 you. Is that correct?  
 14 A. Yes.  
 15 Q. You also stated, however, that you had a  
 16 residential telephone line, is that correct?  
 17 A. Correct.  
 18 Q. Is it possible that your residential phone number  
 19 would have been used for any of those services?  
 20 A. I didn't have that phone number at that point in  
 21 time.  
 22 Q. Okay. So when you initially applied, you're  
 23 stating that you didn't have a residential phone

1 STATE OF NEW YORK)  
 2 SS:  
 3 COUNTY OF ERIE)  
 4

5 I, Carla M. Glinski, a Notary Public in and  
 6 for the State of New York, County of Erie, DO  
 7 HEREBY CERTIFY that the testimony of ELIZABETH M.  
 8 GEARHART was taken down by me in a verbatim  
 9 manner by means of Machine Shorthand, on January  
 10 27, 2009. That the testimony was then reduced  
 11 into writing under my direction. That the  
 12 testimony was taken to be used in the  
 13 above-entitled action. That the said deponent,  
 14 before examination, was duly sworn by me to  
 15 testify to the truth, the whole truth and nothing  
 16 but the truth, relative to said action.

17 I further CERTIFY that the above-described  
 18 transcript constitutes a true and accurate and  
 19 complete transcript of the testimony.

20   
 21

22 CARLA M. GLINSKI,  
 23 Notary Public.

1 number?  
 2 A. Correct.  
 3 Q. Okay. When you were on the phone, do you recall  
 4 actually giving your cell phone number to the  
 5 Time Warner/Adelphia representative?  
 6 MR. BOTTICELLI: Form.  
 7 THE WITNESS: No, I don't recall.  
 8 BY MR. BORGESE:  
 9 Q. Do you recall during that conversation whether  
 10 the representative asked you to provide a cell  
 11 phone number that would be used for all further  
 12 communications?  
 13 A. I don't specifically recall.  
 14 MR. BORGESE: I think that's it.  
 15 MR. BOTTICELLI: No further questions.  
 16 MR. BORGESE: No further questions.

17  
 18 \* \* \* \* \*  
 19  
 20  
 21  
 22  
 23

## Starkey vs. Firstsource

Condenselt!™

<div>-1-</div> <div>'06 [2] 31:16 32:16</div> <div>'07 [3] 31:13 31:16 32:17</div> <div>-0-</div> <div>067-70-2923 [1] 5:18</div> <div>-1-</div> <div>1 [4] 3:5 25:14 25:20 26:15</div> <div>10th [1] 26:17</div> <div>14075 [1] 4:21</div> <div>14202 [1] 4:7</div> <div>14226 [1] 4:4</div> <div>19 [2] 3:6 25:14</div> <div>1A [1] 4:3</div> <div>-2-</div> <div>2 [4] 3:6 25:16 28:2 28:9</div> <div>2000 [1] 4:6</div> <div>2001 [1] 7:13</div> <div>2005 [2] 7:19 33:20</div> <div>2006 [20] 6:1 6:9 6:14 6:23 7:5 8:5 8:12 8:19 9:3 9:9 9:18 10:14 12:1 23:12 23:19 24:13 26:17 27:1 30:22 32:7</div> <div>2007 [14] 6:6 6:9 7:9 9:7 9:9 9:18 10:15 12:8 28:13 28:18 28:21 29:5 30:23 32:7</div> <div>2008 [2] 3:6 25:15</div> <div>2009 [1] 36:10</div> <div>25 [2] 3:5 3:6</div> <div>27 [1] 36:10</div> <div>29 [1] 3:7</div> <div>-3-</div> <div>3 [5] 3:7 29:21 30:4 30:9</div> <div>33 [1] 2:7</div> <div>-5-</div> <div>5 [1] 2:6</div> <div>5408 [2] 4:21 22:18</div> <div>-6-</div> <div>6000 [1] 4:3</div> <div>649-5241 [1] 8:16</div> <div>-7-</div>	<div>716 [3] 8:16 8:23 24:20</div> <div>-8-</div> <div>8th [4] 28:13 28:18 28:21 29:5</div> <div>-9-</div> <div>9/9/83 [1] 5:16</div> <div>984-3012 [2] 8:23 24:20</div> <div>-A-</div> <div>abide [1] 17:22</div> <div>able [4] 17:3 26:6 30:5 30:10</div> <div>above-described [1] 36:17</div> <div>above-entitled [1] 36:13</div> <div>absolutely [1] 26:8</div> <div>Academy [1] 7:11</div> <div>accent [2] 13:21 14:8</div> <div>access [1] 9:10</div> <div>accommodate [1] 5:12</div> <div>account [3] 6:21 28:12 28:17</div> <div>accurate [2] 28:7 36:18</div> <div>action [3] 5:7 36:13 36:16</div> <div>actual [3] 10:8 13:11 13:13</div> <div>address [9] 22:21 22:23 23:4 23:8 23:10 23:22 23:23 24:15 24:18</div> <div>Adelphia [2] 27:7 33:5</div> <div>afford [1] 18:6</div> <div>agencies [1] 31:1</div> <div>agreement [5] 3:5 25:12 27:7 33:5 33:16</div> <div>Agricultural [1] 7:4</div> <div>ahead [4] 13:6 15:10 26:10 28:22</div> <div>along [1] 24:9</div> <div>Amherst [1] 4:4</div> <div>Ann [2] 2:23 3:23</div> <div>answer [3] 15:6 15:17 15:19</div> <div>anyways [1] 30:11</div> <div>apartment [2] 23:6 34:1</div> <div>APPEARANCES [1] 4:1</div> <div>Appearing [2] 4:4 4:7</div> <div>application [1] 33:9</div>	<div>applied [1] 34:22</div> <div>appreciate [1] 29:13</div> <div>approximate [1] 14:18</div> <div>approximately [7] 13:2 13:15 18:11 21:8 24:16 30:22 33:18</div> <div>approximation [1] 27:19</div> <div>April [1] 24:12</div> <div>arrangements [1] 8:10</div> <div>arts [1] 7:21</div> <div>as-needed [1] 12:17</div> <div>ASG [2] 26:3 27:7</div> <div>assistant [1] 7:3</div> <div>assumes [1] 28:6</div> <div>attached [1] 29:9</div> <div>attend [1] 7:16</div> <div>attention [2] 26:14 28:10</div> <div>August [1] 33:20</div> <div>automated [9] 13:10 15:5 15:7 16:8 17:8 18:17 19:14 21:17 31:22</div> <div>available [2] 19:7 19:11</div> <div>Avenue [1] 4:3</div> <div>-B-</div> <div>B [1] 4:20</div> <div>bachelor [1] 7:21</div> <div>back [12] 6:13 6:22 7:2 8:5 8:6 8:10 8:12 8:19 9:3 14:9 17:2 26:11</div> <div>Bailey [1] 4:3</div> <div>balance [1] 23:15</div> <div>based [2] 27:13 27:19</div> <div>basic [1] 7:10</div> <div>basis [3] 12:17 27:4 27:15</div> <div>bed [1] 12:19</div> <div>beginning [2] 6:12 28:12</div> <div>behind [1] 32:8</div> <div>belief [1] 26:21</div> <div>best [1] 5:9</div> <div>better [1] 27:23</div> <div>between [6] 4:12 7:5 20:14 25:22 26:16 27:7</div> <div>bill [4] 22:18 26:23 29:23 30:11</div> <div>bills [1] 32:8</div> <div>birth [1] 5:15</div> <div>Bonaventure [1] 7:17</div> <div>Borgese [18] 2:7</div>	<div>4:2 12:18 13:6</div> <div>15:10 17:23 26:2</div> <div>26:9 26:11 27:2</div> <div>28:4 28:22 29:10</div> <div>32:20 33:1 35:8</div> <div>35:14 35:16</div> <div>Botticelli [23] 2:6 4:6 5:1 5:5 12:21 13:8 15:12 18:2 25:10 25:18 26:8 26:10 26:13 27:20 28:8 29:2 29:7 29:12 29:19 32:19 32:23 35:6 35:15</div> <div>break [2] 5:11 13:9</div> <div>British [2] 13:21 14:8</div> <div>Buffalo [1] 4:7</div> <div>Building [1] 4:6</div> <div>business [1] 27:6</div> <div>-C-</div> <div>cable [6] 22:18 24:2 24:12 24:17 26:23 34:5</div> <div>calendar [1] 30:19</div> <div>call-back [1] 14:4</div> <div>calls [27] 5:22 6:5 12:22 13:1 13:3 13:10 15:13 15:23 16:8 17:7 17:8 18:15 18:17 19:14 20:7 20:13 21:11 25:8 30:2 30:5 30:10 30:11 30:15 30:20 31:19 31:22 32:4</div> <div>Carla [2] 36:5 36:21</div> <div>case [1] 5:21</div> <div>cash [1] 22:6</div> <div>cell [20] 8:20 9:1 9:11 9:13 9:19 9:22 10:1 10:8 11:10 11:12 12:2 15:17 24:21 24:23 29:23 30:1 30:23 34:11 35:4 35:10</div> <div>certain [1] 27:12</div> <div>certification [1] 4:15</div> <div>CERTIFY [2] 36:7 36:17</div> <div>change [2] 26:21 27:17</div> <div>changed [1] 9:6</div> <div>charge [2] 12:12 12:16</div> <div>charger [1] 12:20</div> <div>check [3] 15:9 22:6 22:7</div> <div>checks [2] 21:5 21:7</div> <div>claiming [1] 5:22</div>	<div>collection [4] 3:5 5:21 25:12 31:1</div> <div>collectors [1] 31:8</div> <div>college [2] 7:14 7:16</div> <div>COLUCCI [1] 4:5</div> <div>coming [7] 15:20 15:23 18:15 22:3 25:8 30:5 30:10</div> <div>commenced [1] 5:7</div> <div>communication [1] 9:20</div> <div>communications [1] 35:12</div> <div>complete [1] 36:19</div> <div>concerned [1] 5:20</div> <div>conference [1] 18:14</div> <div>confirming [1] 22:4</div> <div>constitutes [1] 36:18</div> <div>contact [8] 11:9 17:11 21:19 24:19 25:1 25:4 28:20 34:12</div> <div>contacted [1] 30:23</div> <div>continue [2] 6:5 19:14</div> <div>contract [3] 25:22 26:2 26:16</div> <div>conversation [12] 17:15 17:19 18:1 19:2 19:15 20:4 20:14 20:20 33:19 34:3 34:6 35:9</div> <div>conversations [3] 13:11 13:14 16:18</div> <div>copies [2] 26:6 29:11</div> <div>correct [20] 15:22 18:8 18:9 19:13 19:21 20:18 22:13 23:13 23:17 24:14 30:3 30:13 31:17 32:18 33:6 33:7 34:13 34:16 34:17 35:2</div> <div>correspondence [3] 21:23 22:2 22:5</div> <div>counsel [1] 4:12</div> <div>counter [1] 11:22</div> <div>County [3] 7:3 36:3 36:6</div> <div>course [1] 27:6</div> <div>Court [2] 2:23 3:23</div> <div>curious [1] 26:6</div> <div>current [1] 7:6</div> <div>-D-</div> <div>data [1] 28:1</div> <div>date [3] 5:15 18:12 32:13</div> <div>dated [2] 3:6 25:14</div> <div>dates [2] 22:8 27:17</div>
---	--	--	---	---

Condensed!

Starkey vs. Firstsource

## ealing - morning

lealing [4] 5:19 6:8 12:22 13:17	examination [4] 2:5 5:1 33:1 36:14	-G-	initial [1] 14:14 initiate [1] 16:8	lower [1] 23:10
lebt [3] 17:3 21:1 21:2	except [1] 4:16	G [1] 4:20	initiated [5] 16:12 16:14 17:11 18:21	-M-
Defendant [1] 4:7	executive [1] 6:21	GALLAHER [1] 4:5	interfere [1] 27:10	M [6] 2:4 4:20 14:17 36:5 36:7 36:21
egree [1] 7:20	Exhibit [10] 25:13 25:16 25:20 26:15 28:2 28:9 29:17 29:21 30:4 30:9	Gearhart [12] 2:4 3:4 5:3 25:13 25:15 25:20 26:14 28:2 28:9 29:17 29:20 36:8	itself [1] 10:9	Machine [1] 36:9
epend [1] 12:13	exhibits [3] 3:1 3:4 26:7	generally [6] 11:10 14:19 14:23 15:16 15:21 16:1	-J-	Maelou [6] 4:21 22:19 23:8 23:12 23:22 24:2
eponent [1] 36:13	extent [3] 27:9 27:11 27:14	giving [1] 35:4	J [1] 4:2	mail [12] 15:2 15:8 15:11 15:18 15:21 16:1 16:4 19:4 21:23 22:2 32:5 32:6
deposition [1] 6:13	-F-	Glinski [2] 36:5 36:21	January [6] 28:12 28:18 28:21 29:5 31:13 36:9	Main [3] 23:3 23:22 24:15
desk [2] 11:15 11:18	fair [2] 15:23 17:10	gone [1] 22:8	Jason [2] 4:6 5:5	majority [2] 15:5 15:13
dial [2] 9:4 9:7	fall [13] 6:14 6:22 9:3 9:9 9:18 10:14 12:1 23:12 30:22 31:9 31:16 32:7 32:16	Good [2] 5:3 5:4	job [1] 12:1	manner [1] 36:9
diary [1] 30:18	February [3] 7:9 9:6 12:8	graduate [2] 7:12 7:20	jobs [5] 7:5 7:8 9:6 10:6 12:8	March [3] 3:6 23:19 25:14
different [1] 22:23	few [1] 16:15	Graduation [1] 7:18	June [3] 6:6 6:9 9:9	mark [3] 25:10 29:8 29:13
direct [2] 9:3	fifteen [1] 20:16	great [1] 29:12	-K-	marked [6] 25:13 25:15 25:19 28:1 29:16 29:20
direction [1] 36:11	File [2] 3:6 25:14	guess [4] 11:23 14:22 16:21 27:23	keep [6] 10:2 11:14 11:18 12:11 18:15 30:18	marketing [1] 7:3
DiracTV [2] 24:8 24:9	filing [1] 4:14	-H-	KENNETH [1] 4:2	marking [1] 30:19
document [3] 26:20 27:5 27:13	filled [1] 33:8	H [2] 4:20 4:20	kept [1] 12:10	may [7] 6:6 6:9 20:12 21:19 21:21 30:22 31:13
documentation [1] 30:14	first [14] 12:1 14:12 16:14 16:21 17:11 17:19 18:1 18:13 22:11 26:15 26:22 28:20 29:13 32:11	half [1] 8:4	kind [3] 9:17 12:17 27:18	mean [1] 11:11
dollars [1] 21:3	Firstsource [29] 5:23 12:22 15:23 16:19 17:12 18:14 18:20 19:16 19:18 20:7 21:20 22:11 25:8 25:22 26:16 26:22 27:22 27:22 28:1 28:16 28:19 28:20 29:4 30:2 30:6 30:12 30:16 30:20 31:15	Hamburg [5] 4:21 23:3 23:10 23:21 24:18	-L-	means [1] 36:9
down [2] 13:9 36:8	five [3] 13:13 16:6 24:16	hear [1] 12:14	L [1] 4:20	meantime [1] 22:1
draw [2] 26:14 28:9	flip [2] 10:22 10:23	hereby [2] 4:12 36:7	lack [1] 27:23	mentioned [1] 22:10
Drive [3] 4:21 23:22 24:2	flipped [1] 11:2	high [1] 7:10	landline [2] 8:13 8:17	message [5] 14:7 15:7 16:4 16:9 19:3
duly [2] 4:22 36:14	following [1] 4:10	HILLER [1] 4:2	last [3] 21:19 21:22 32:14	messages [12] 13:3 13:11 13:15 13:17 13:19 14:6 14:18 14:23 15:5 15:13 20:1 21:17
during [8] 15:14 17:14 17:19 18:1 22:10 31:16 34:6 35:9	follows [1] 4:23	home [5] 8:13 11:17 11:22 12:10 23:8	Late [1] 6:1	met [1] 5:5
-E-	form [6] 4:16 12:18 13:6 15:10 17:23 35:6	hundred [1] 21:3	LAW [1] 4:2	middle [2] 14:14 28:10
E [5] 4:20 4:20 4:20 13:22 14:15	forty [3] 13:2 13:3 13:9	hundred-percent [1] 28:7	left [4] 13:17 15:1 15:13 19:7	might [1] 9:15
education [1] 7:10	four [2] 3:6 25:14	husband [4] 8:2 8:7 9:15 9:22	less [4] 13:13 16:6 16:6 24:3	Millennium [1] 6:19
eighty-six [1] 21:3	frame [8] 5:20 6:7 9:14 9:17 10:16 20:3 31:20 32:17	-I-	Liberty [1] 4:6	mind [2] 6:7 26:9
ELIZABETH [2] 2:4 36:7	FRANK [1] 4:2	idea [1] 20:10	line [1] 34:16	mispronounce [1] 14:13
Elizbit [1] 13:22	front [1] 11:1	identification [3] 3:4 25:16 29:17	list [1] 11:9	mispronounced [1] 13:20
employed [1] 6:16	Fuel [2] 31:6 32:9	identify [2] 29:21 30:5	listen [1] 16:3	mispronouncing [1] 14:11
employment [3] 6:22 7:6 7:6	Funding [1] 6:19	Immaculata [1] 7:11	listening [1] 15:2	Miss [2] 5:3 19:11
end [2] 14:1 23:19		important [1] 13:22	live [16] 13:4 16:7 16:9 16:11 16:13 16:15 16:18 18:13 20:4 20:7 20:14 21:11 22:11 24:15 31:22 32:1	mistaken [1] 34:10
entailed [1] 34:3		including [1] 10:4	living [2] 8:10	mixture [2] 13:5 31:22
enter [1] 33:15		incoming [1] 10:19	log [1] 28:7	month [4] 6:2 24:3 33:22 33:23
entered [3] 4:10 26:17 33:4		INDEX [2] 2:1 3:1	look [3] 25:21 25:23 28:2	months [1] 24:16
Erie [3] 7:3 36:3 36:6		individual [3] 20:4 20:7 21:5	looking [4] 26:19 28:5 30:4 30:9	morning [2] 5:3
ESQ [2] 4:2 4:6		individuals [2] 13:12 21:11	looks [1] 28:11	
estimate [3] 12:23 20:13 31:18				
evening [2] 11:11 12:17				
evidence [1] 29:3				
exact [2] 30:10 32:13				
exactly [2] 18:5 18:12				

5:4	oftentimes [1] 34:11	plug [1] 12:11	remembered [1] 27:19	sheet [1] 28:1
<b>most</b> [1] 6:8	old [2] 8:3 23:15	point [4] 26:5 26:20	rep [1] 22:11	short [1] 26:12
<b>move</b> [1] 23:18	one [7] 11:21 14:19	30:10 34:20	rephrase [1] 5:9	<b>Shorthand</b> [1] 36:9
<b>moved</b> [2] 23:20	16:11 16:13 16:21	<b>possession</b> [1] 30:15	<b>Reporting</b> [2] 2:23	<b>shortly</b> [2] 15:2
33:23	20:15 21:3	<b>possible</b> [6] 21:19	3:23	16:3
<b>-N-</b>	<b>open</b> [1] 11:2	21:22 28:18 28:19	<b>representative</b> [2] 35:5 35:10	<b>show</b> [4] 25:19 27:21
<b>name</b> [6] 5:5	<b>opened</b> [2] 28:12	29:1 34:18	<b>represented</b> [1] 28:15	29:20 30:15
11:6 13:20 14:8	<b>opposed</b> [1] 13:11	<b>postdated</b> [1] 21:7	<b>request</b> [1] 22:15	<b>showing</b> [1] 26:15
14:11 14:12	<b>own</b> [1] 9:22	<b>predecessor</b> [1] 27:8	<b>requested</b> [1] 17:1	<b>shown</b> [1] 28:9
<b>National</b> [2] 31:6	<b>-P-</b>	<b>primarily</b> [1] 25:4	<b>requesting</b> [1] 18:6	<b>shows</b> [2] 28:11
32:9	<b>P.C</b> [1] 4:5	<b>primary</b> [1] 9:19	<b>reserved</b> [1] 4:17	28:17
<b>nature</b> [1] 34:12	<b>page</b> [2] 2:4 28:10	<b>printout</b> [3] 27:22	<b>residence</b> [3] 6:12	<b>signing</b> [1] 4:14
<b>near</b> [1] 12:14	<b>Pages</b> [4] 3:6	28:16 29:8	6:13 23:16	<b>Simonin</b> [2] 2:23
<b>need</b> [2] 5:11 29:11	3:7 25:14 29:15	<b>proof</b> [1] 25:7	<b>residential</b> [3] 34:16	3:23
<b>new</b> [6] 4:4 4:7	<b>paid</b> [1] 20:23	<b>provide</b> [1] 35:10	34:18 34:23	<b>sit</b> [1] 13:18
4:21 31:10 36:1	<b>paragraph</b> [1] 26:15	<b>providing</b> [1] 34:7	<b>residing</b> [2] 7:22	<b>Social</b> [1] 5:17
<b>nineteen</b> [2] 3:7	<b>particular</b> [1] 14:20	<b>Public</b> [2] 36:5	8:6	<b>Society</b> [1] 7:4
<b>Nobody</b> [1] 9:12	<b>parties</b> [2] 4:11	<b>purse</b> [3] 11:15	<b>respective</b> [1] 4:13	<b>Solomon</b> [10] 31:4
<b>normal</b> [3] 11:12	4:13	11:16 11:19	<b>respond</b> [1] 27:14	31:4 31:7 31:7
15:16 27:6	<b>past</b> [1] 23:15	<b>put</b> [1] 12:20	<b>response</b> [1] 16:8	31:15 31:16 31:19
<b>normally</b> [3] 10:1	<b>pay</b> [1] 17:3	<b>-Q-</b>	<b>rest</b> [1] 16:12	31:19 32:12 32:12
15:17 32:4	<b>payment</b> [11] 16:23	<b>questioning</b> [1] 27:10	<b>restrictions</b> [3] 11:23	<b>someone</b> [2] 15:19
<b>North</b> [1] 4:3	17:15 17:22 20:12	<b>questions</b> [8] 4:17	12:2 12:8	21:23
<b>Notary</b> [2] 36:5	20:22 20:23 21:4	5:6 5:19 6:8	<b>return</b> [1] 19:8	<b>somewhere</b> [2] 12:14
36:22	21:6 21:13 21:16	32:22 33:3 35:15	<b>right</b> [12] 6:7	32:16
<b>notes</b> [4] 3:6	21:21	35:16	7:18 17:8 17:14	<b>son</b> [3] 8:2 8:3
25:14 28:11 30:18	<b>payments</b> [2] 20:23	<b>quick</b> [2] 25:20	17:16 18:3 19:4	8:9
<b>nothing</b> [2] 18:7	22:4	28:2	24:2 24:23 26:11	<b>sorry</b> [2] 14:1 20:2
36:15	<b>people</b> [1] 16:18	<b>-R-</b>	28:13 29:10	<b>source</b> [1] 9:19
<b>November</b> [2] 26:17	<b>person</b> [9] 11:14	<b>R</b> [2] 4:20 4:20	<b>ring</b> [1] 10:2	<b>speak</b> [1] 13:4
26:23	11:18 16:7 16:9	<b>rang</b> [1] 12:15	<b>rings</b> [1] 15:18	<b>speaking</b> [2] 14:23
<b>now</b> [7] 9:9 10:10	16:11 16:13 16:15	<b>reach</b> [1] 34:8	<b>-S-</b>	15:16
12:22 16:6 22:10	18:11 19:15	<b>ready</b> [1] 20:21	<b>Saint</b> [1] 7:17	<b>specific</b> [1] 6:2
22:18 25:6	<b>person-to-person</b> [1] 17:11	<b>really</b> [2] 9:12	<b>school</b> [1] 7:10	<b>specifically</b> [4] 6:3
<b>number</b> [26] 5:17	<b>personal</b> [1] 11:8	31:21	<b>screen</b> [2] 10:18	34:2 34:7 35:13
8:15 8:22 11:7	<b>persons</b> [1] 13:4	<b>receive</b> [2] 21:16	11:1	<b>specifics</b> [1] 18:3
11:8 12:23 13:23	<b>phone</b> [43] 8:20	21:23	<b>second</b> [6] 18:10	<b>speculation</b> [2] 27:16
14:2 14:4 15:20	9:1 9:11 9:13	<b>received</b> [11] 13:1	18:19 19:15 20:3	28:22
19:8 19:12 19:22	9:19 9:22 10:1	13:10 14:6 14:19	20:8 20:14	<b>spoke</b> [8] 16:7
24:18 24:19 24:21	10:8 10:8 10:10	17:6 20:14 25:13	<b>secondary</b> [2] 9:19	16:10 16:15 18:10
25:1 25:1 25:4	10:14 10:15 10:18	25:15 29:16 31:18	9:21	18:19 19:5 19:20
30:7 34:7 34:18	10:22 10:23 11:10	32:11	<b>seconds</b> [1] 32:21	21:22
34:20 35:1 35:4	11:12 12:3 13:23	<b>recent</b> [1] 26:4	<b>Security</b> [1] 5:17	<b>sporadic</b> [1] 14:21
<b>numbers</b> [1] 10:19	14:2 15:6 15:17	<b>recess</b> [1] 26:12	<b>see</b> [4] 10:18 11:1	<b>spot</b> [1] 12:11
<b>-O-</b>	17:7 19:8 19:22	<b>recognize</b> [1] 15:21	28:13 32:21	<b>SS</b> [1] 36:2
<b>oath</b> [1] 4:13	20:11 22:9 24:21	<b>recollection</b> [3] 20:6	<b>seeing</b> [1] 26:21	<b>Starkey</b> [2] 13:22
<b>object</b> [2] 27:2	24:23 29:23 29:23	25:6 29:4	<b>sees</b> [1] 27:13	19:12
27:3	30:1 30:7 30:11	<b>record</b> [1] 28:5	<b>send</b> [3] 21:5 22:5	<b>start</b> [3] 11:23 16:21
<b>objection</b> [7] 12:18	30:23 33:14 34:11	<b>records</b> [3] 3:8	22:15	16:22
13:6 15:10 17:23	34:18 34:20 34:23	28:16 29:16	<b>separate</b> [1] 29:7	<b>started</b> [1] 5:23
27:15 28:6 28:22	35:3 35:4 35:11	<b>reduced</b> [1] 36:10	<b>September</b> [5] 6:3	5:23
<b>objections</b> [1] 4:16	<b>phones</b> [1] 10:12	<b>Referee</b> [1] 4:14	6:9 8:12 8:19	<b>state</b> [8] 13:23 14:2
<b>obviously</b> [2] 27:8	<b>picking</b> [1] 15:1	<b>reference</b> [1] 26:20	27:18	14:14 19:9 19:19
33:4	<b>place</b> [2] 28:5	<b>regarding</b> [4] 5:6	<b>services</b> [7] 3:5	25:21 36:1 36:6
<b>occasion</b> [1] 9:16	33:19	23:15 25:8 26:23	23:21 24:18 25:12	<b>stating</b> [2] 22:8
<b>occurred</b> [1] 20:10	<b>placed</b> [1] 20:11	<b>regards</b> [1] 28:17	33:10 34:1 34:19	34:23
<b>October</b> [3] 6:4	<b>places</b> [1] 34:12	<b>relative</b> [1] 36:16	<b>set</b> [11] 16:23 17:15	<b>stayed</b> [1] 24:9
8:5 27:18	<b>Plaintiff</b> [1] 4:4	<b>remember</b> [3] 18:5	18:7 20:12 20:22	<b>steal</b> [1] 26:9
<b>OFFICES</b> [1] 4:2	<b>plan</b> [10] 16:23 17:16	18:20 30:7	21:12 21:15 21:20	<b>sticking</b> [1] 9:17
	17:22 20:12 20:23		22:4 24:17 34:4	<b>still</b> [4] 8:17 9:1
	21:4 21:6 21:13			10:9 22:3
	21:16 21:21			<b>stipulated</b> [1] 4:12
				<b>stipulations</b> [1] 4:10
				<b>stop</b> [1] 22:16

**Street - Z**

<b>Street</b> [3] 23:22 24:15 23:3	<b>type</b> [1] 30:18	<b>writing</b> [1] 36:11		
<b>strike</b> [2] 28:19 14:22	<b>-U-</b>	<b>written</b> [3] 33:9 33:15 22:15		
<b>substance</b> [3] 19:1 20:19 16:17	<b>Um-hum</b> [2] 22:20 11:5	<b>-Y-</b>		
<b>substances</b> [1] 13:19	<b>under</b> [3] 30:8 36:11 28:10	<b>year</b> [1] 31:11		
<b>Sue</b> [2] 2:23 3:23	<b>understand</b> [1] 5:8	<b>York</b> [5] 4:4 4:7 36:6		
<b>Suite</b> [1] 4:3	<b>University</b> [1] 7:17	<b>yourself</b> [1] 9:10		
<b>sum</b> [4] 13:18 19:1 20:19 16:17	<b>Unless</b> [1] 11:8	<b>-Z-</b>		
<b>summer</b> [4] 31:16 32:7 32:16 9:18	<b>up</b> [16] 16:23 17:15 18:7 20:12 20:22 21:12 21:16 21:20 22:4 24:17 28:12 28:17 30:8 34:4	<b>Z</b> [1] 4:20		
<b>switch</b> [3] 23:21 24:7 7:8	<b>upper</b> [2] 23:11 23:10			
<b>switched</b> [4] 12:2 12:7 24:4 10:12	<b>used</b> [7] 9:15 26:3 34:1 34:11 34:19 35:11 36:12			
<b>sworn</b> [2] 36:14 4:22	<b>using</b> [3] 15:17 26:20 12:2			
<b>-T-</b>	<b>usually</b> [7] 11:13 11:16 11:22 12:13 12:19 15:19			
<b>T</b> [2] 4:20 4:20	<b>utilities</b> [1] 25:2			
<b>telephone</b> [5] 33:13 33:19 34:7 18:13	<b>utility</b> [1] 34:12			
<b>ten</b> [1] 17:6	<b>-V-</b>			
<b>testified</b> [1] 4:23	<b>valid</b> [1] 27:13			
<b>testify</b> [1] 36:15	<b>various</b> [1] 14:20			
<b>testimony</b> [4] 36:10 36:12 36:19	<b>verbatim</b> [1] 36:8			
<b>Thanks</b> [1] 26:11	<b>Verizon</b> [2] 29:15 3:7			
<b>thereafter</b> [1] 16:3	<b>vibrate</b> [2] 10:3 10:2			
<b>third</b> [4] 20:15 21:12 21:15 20:17	<b>voice</b> [10] 15:8 15:11 15:18 15:21 16:1 16:4 19:4 32:5 32:6			
<b>thirty-five</b> [2] 14:18 13:15	<b>-W-</b>			
<b>three</b> [2] 21:7 33:3	<b>waived</b> [2] 4:14 4:15			
<b>three-part</b> [2] 21:4 20:22	<b>Warner</b> [7] 25:22 26:16 32:9 33:5 33:9 33:16			
<b>through</b> [6] 6:9 9:9 9:18 10:15 22:7	<b>Warner's</b> [1] 27:8			
<b>times</b> [6] 11:13 14:20 16:7 11:11	<b>Warner/Adelphia</b> [1] 35:5			
<b>today</b> [3] 13:18 30:9 5:6	<b>weeks</b> [2] 21:8 21:9			
<b>too</b> [1] 5:13	<b>whole</b> [1] 36:15			
<b>took</b> [1] 19:3	<b>Wireless</b> [2] 29:16 3:8			
<b>total</b> [1] 13:1	<b>Witness</b> [8] 12:19 13:7 15:11 18:1 27:17 29:1 35:7			
<b>transcript</b> [3] 36:18 36:19 4:15	<b>WITNESSES</b> [1] 2:1			
<b>trial</b> [1] 4:17	<b>word</b> [1] 27:23			
<b>true</b> [1] 36:18				
<b>truth</b> [3] 36:15 36:15 36:16				
<b>try</b> [1] 16:23				
<b>trying</b> [2] 27:9 17:15				
<b>twenty</b> [2] 32:20 20:16				
<b>two</b> [3] 8:4 21:8 21:9				